

IN THE DRAWINGS

Applicants propose to add new Fig. 3 in accordance with the accompanying NEW SHEET of drawings.

REMARKS

The specification has been amended on page 5 to correct a typographical error. The specification has further been amended on page 4 to add a brief description of new Fig. 3 and on page 7 to add a detailed description of new Fig. 3.

Applicants believe that the addition of new Fig. 3 and the description thereof do not constitute new matter in that the description thereof was taken from claims 4 and 6 as originally filed, as well as from the description as originally filed on page 4, line 11 to page 7, line 22.

The Examiner has rejected claim 4 under 35 U.S.C. 112, paragraph 2, as being indefinite, in that the Examiner is not able to find a specific physical structure in the specification for the "switching means..." and the "association means...".

Applicants believe that claim 4 satisfy the requirements of 35 U.S.C. 112, in that each of the means + function elements is supported in the specification. In particular, with regard to the "switching means", Applicants refer the Examiner to the specification on page 5, lines 3-10 (note the typographical correction above). While Fig. 1 is indicated as showing a method and Ref. No. 104 is indicated as a "step", the specification further notes "step 104 is similar to a switch controlled by a control signal derived from a comparison between the parental control level of the disc (designated by DVD_PCL) and the current parental control level (designated by Current_PCL_i) set in the player 101." In addition, Fig. 1 shows 104 as a switch receiving a

control signal. Further, new Fig. 3 shows the output from the information carrier 105 being applied to one input of switch 307 while a comparator 303 compares the preset parental control level 301 of the information carrier with the current parental control level 305 of the information carrier player 101 and applying a control signal to the switch 307. With regard to the "association means", Applicants refer the Examiner to page 5, line 12 to page 6, line 11, where a description of the association step (means) 106, List_1, List_i, List_8, corresponding to the parental control levels PCL_1, PCL_i, PCL_8 is given. Further, new Fig. 3 shows association means 309 receiving the listing of server addresses and their corresponding parental control levels, and sorting these server addresses to the appropriate list 311, 313, 315.

The Examiner has rejected claims 6 under 35 U.S.C. 101 in that the claimed invention is directed to non-statutory subject matter, in that "Claim 6 discloses a device (information carrier player) with switching means. The claim does not include enough tangible structure. The Examiner interprets it to be a system of software which is non-statutory under 35 USC § 101."

Applicants submit that similarly as with the information carrier player as claimed in claim 4, Fig. 3 shows the elements of the information carrier player as claimed in claim 6. In particular, the "means for receiving" is shown in Fig. 3 as receiving means 302 receiving the preset parental control level (DVD_PCL) 301 from the information carrier 105; the "first means for comparing" is shown in Fig. 3 as comparator 303 receiving the

preset parental control level 301 from the receiving means 302 and the current parental control level 305 and generating the first control signal; the "first switching means" is shown in Fig. 3 as the switch 307 receiving the first control signal from the comparator 303; the "second means for comparing" is shown in Fig. 3 as comparator 323 receiving the current parental control level 305 and the highest parental control level 325 in order to generate the second control signal; and the "second switching means" is shown in Fig. 3 as the switch 327 receiving the second control signal from comparator 323 enabling access to the network 102 (and the connected servers 103) by the information carrier player 101.

Applicants therefore believe that sufficient structure relate to the elements of claims 6 and as such, claim 6 is statutory.

The Examiner has rejected claims 1-6 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,140,045 to Gudorf et al.

The Gudorf et al. patent discloses a method and system for user information verification, in which a computer program, in the form of, for example, a Java applet, collects and stores information (which may include parental controls) identifying a user, then selectively supplies this information to other programs (websites) requesting the same.

The subject invention relates to an information carrier having a preset parental control level and an information carrier player having a current parental control level. The player then

compares the current parental control level with the preset parental control level and, depending on the comparison, authorizes or denies access to the information on the information carrier. In addition, the subject invention associates various server addresses with parental control levels and restricts user access to those server addresses having associated parental control levels less than or equal to the current parental control level of the information carrier player.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the Office Action, the Examiner states "Claim 1 discloses a method of controlling, from an information carrier player (101), a user access to an information carrier (105) and to a server (103), said information carrier (105) being associated with a preset parental control level (DVD_PCL), said information carrier player (101) being associated with a current parental control level (Current_PCL_i) selected from among a set of parental control levels (PCL_I), said method of controlling comprising (Figure 2 and associated text and Figure 3a and 3b)".

Applicants first would like to point out that Gudorf et al. neither discloses nor suggests "controlling, from an information carrier player, user access to information on an information carrier loaded in the information carrier player". Further, Gudorf et al. neither discloses nor suggests "said information carrier being associated with a preset parental control level". In fact, there is no mention in Gudorf et al. of an information carrier having a preset parental control level, the controlling of access to the information on the information carrier loaded into the information carrier player. Rather, Gudorf et al. is only concerned with controlling access to certain websites.

Applicants would like to point out that in the subject application and claims, the "preset parental control level" relates only to the information carrier, while the "current parent control level" relates only to the information carrier player.

Applicants therefore submit that since Gudorf et al. neither discloses nor suggests "said information carrier being associated with a preset parental control level", then surely Gudorf et al. neither discloses nor suggests the steps "receiving the preset parental control level associated with said information carrier", "comparing said current parental control level and said preset parental control level", and "authorizing or not authorizing access to the information on said information carrier in dependence on said comparing step".

Applicants note that in the Examiner's discussion related to Applicants' arguments, the Examiner repeatedly referred to

"present parental control level". As such, Applicants can understand confusion with "current parental control level". However, nowhere in the subject specification nor in Applicants' Amendment does the term "present parental control level" occur. Rather, the specification and Applicants' Amendment include the term "preset parental control level". Besides just the spelling, there is a huge difference between "preset" and "present". In claim 1, the subject invention includes the limitation "said information carrier being associated with a preset parental control level" (emphasis added), and "said information carrier player being associated with a current parental control level".

The Examiner continues to stress that Gudorf discloses the subject invention referring to Figs. 2, 3a and 3b. This portion of Gudorf relates to controlling user access to certain websites using some form of parental control.

Applicants submit that this only concerns a portion of the invention claimed in claim 1, i.e., "associating a list of server addresses with said parental control levels" and "restricting the user access to the server addresses in said list having parental control level lower than or equal to said current parental control level". However, claim 1 is not limited to these two limitations, but rather includes the limitations relating to an information carrier as noted above.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-6, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611